

NOT FOR PUBLICATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

EUGENE LEWANDOWSKI.,

Plaintiff,

v.

BUREAU OF PRISONS.,

Defendants.

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Civil No. 19-15710 (RBK/AMD)

ORDER

KUGLER, United States District Judge:

THIS MATTER comes before the Court upon Plaintiff Eugene Lewandowski’s Motion for Default Judgment (Doc. No. 15); and

THE COURT NOTING that “[t]here are numerous cases which hold that . . . [default] judgment cannot be entered against the government solely on its failure to comply with civil rules.” *Arevalo v. United States*, No. MISC. 05-110, 2008 WL 3874795, at *6 (E.D. Pa. Aug. 20, 2008); and

THE COURT FURTHER NOTING that a “court may not enter a default judgment against the government merely for failure to file a timely response.” *Greenbaum v. U.S.*, 360 F.Supp. 784, 789 (E.D.Pa.1973); and

THE COURT OBSERVING that Plaintiff moves for an entry of default judgment against Defendant Bureau of Prisons because it failed to timely respond to Plaintiff’s complaint; therefore

IT IS HEREBY ORDERED that Plaintiff's motion for Default Judgment (Doc. No. 15) is **DENIED**.¹

Dated: 3/22/2021

s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge

¹ The Court notes that in the United States' opposition to Plaintiff's motion for default judgment it requests that we vacate the entry of default and deny the motion for default judgment. If the United States wishes to move to vacate the entry of default, it should file a separate motion on the docket requesting as such.

